

REMARKS

Please amend the above-identified application, without prejudice, as stated in the foregoing Listing of Claims. The amendments to the claims do not introduce any new matter.

Claims 1 – 17 are currently pending. In the Office Action mailed on November 3, 2006, the Examiner rejected claims 1-17 under 35 U.S.C. §112, second paragraph, claims 1, 2, 5-7, 10, 11 and 14 under 35 U.S.C. 102(b) as being anticipated by US Patent 2,781,160 to Bolding (“Bolding”), and claims 1-14 under 35 U.S.C. 102(b) as being anticipated by US Patent 6,158,653 to Kanter et al. (“Kanter”). Applicants respectfully traverse the Examiner’s rejections and request reconsideration and withdrawal of the rejections based on the following remarks.

REJECTION OF CLAIMS 1-17
UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The Examiner rejected claims 1-17 under 35 U.S.C. §112, second paragraph. The Examiner asserts that in claim 1, part (g), “an upstanding wall” is a double inclusion of an element, as well as “two opposing walls” in claim 4, “two opposing wall units” in claim 13, “respective primary front and back wall panels” in claim 15 part (f), “primary front and back wall panels” and “right and left wall panels” in claim 15 part (g), and finally in claim 17, “at least one primary or secondary front or back wall panel.” The Examiner further asserts that in claim 10, part (f), line 2, “of the container” is unclear, and in claim 15, parts (d), (e), (g), (h) and

in the preamble, the phrases “when fully assembled,” “in the fully assembled condition of the container blank,” and “when the container blank is fully assembled” are unclear since a container blank does not have a fully assembled condition except as a flat sheet of material. The Examiner also asserts that in claim 15, part (e), “a bottom wall panels” is grammatically unclear, “its panels” is unclear within the context of the claim, and in part (g) of claim 15, “their one ends thereof” and “their opposite ends” each lack antecedent basis in the claim and use of the term “their” and phrase “having tabs for attachment...” is unclear.

Applicant appreciates Examiner’s assistance in reviewing the claim language and submits the foregoing amendments to address each of the rejections. In claim 1 part (g) the term “an upstanding wall” is amended to specifically refer to one of the upstanding walls in the pair of opposing upstanding walls. In claims 4 and 13, the terms “two opposing walls” and “two opposing wall units,” now refer to at least one of the upstanding front and back walls or wall units, respectively. In claim 10 part (f) and 13, the term “of the container” has been removed. In claim 15 parts (d), (e), (g), and (h), the term “blank” has been removed, so that the language concerning assembly describes the container, and not the blank. In the preamble for claim 15, the phrase “when fully assembled” refers to the stackable display container and not to the blank; therefore, the preamble does not require amendment. Claim 15 part (e) has been amended to remedy any grammatical errors and to remove any ambiguity. In claim 15 part (f) the term “respective primary front and back wall panels” has been amended to refer back to the primary front and back wall panel in part (a). Finally claim 17 has been amended to refer specifically to the primary or secondary front or back wall panel. Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. §112, second paragraph.

REJECTION OF CLAIMS 1-14 UNDER 35 U.S.C. §102

The Examiner rejected claims 1-14 under 35 U.S.C. §102 (b). Specifically, the Examiner rejected claims 1, 2, 5-7, 10, 11 and 14 as being anticipated by Bolding and asserts that Bolding discloses a container including spacer panels 64-67 connected to first opposing upstanding wall panels 15, 20, 28; 17, 22, 30 arranged generally parallel to and spaced inboard of a second pair of opposing upstanding walls 16, 29; 18, 31 as claimed. The Examiner also rejected claims 1-14 as being anticipated by Kanter and asserts that Kanter discloses spacer panels 40 formed at the corners of the box foldably connected to first upstanding walls 24, 90; 20a, 20b, 62a, 91 and arranged generally parallel to and inboard of the second pair of upstanding walls as claimed. Applicant respectfully disagrees.

With claims as currently amended, Bolding and Kanter do not anticipate Applicant's invention. In order to anticipate Applicant's invention under 35 U.S.C. §102(b), Bolding and Kanter must teach every element of the invention. Applicant has amended claim 1 to include the subject matter of claim 3 and amended claim 10 to include the subject matter of claim 12; therefore, independent claims 1 and 10 and all claims that depend from claims 1 and 10 now include the additional element of at least one access opening in the front wall or wall unit. Bolding does not teach a container having at least one access opening therein. Bolding teaches a double wall carton and as demonstrated in Figures 1, 2, 3, 5, 6, and 7, none of sides of the carton include an access opening. Bolding also fails to teach an access opening in any of the panels in the text of the disclosure. Applicant has also amended claims 1 and 10 to include the element of spacer panels that extend from the front to the back upstanding wall or wall unit; therefore, every claim that depends from claims 1 and 10 also includes this additional subject matter. Support for this subject matter is located in the first sentence of the last paragraph on page 3 of the present

application. Kanter does not teach a container having spacer panels that extend from the front to the back upstanding wall or wall unit. Kanter teaches a container having a corner support. One corner support may be of a rectangular type 44a or 44b (Column 5, lines 3-4). Kanter also discloses that the corner supports are attached to adjacent wall panels, 18 and 24 (Column 5, lines 9-16). Kanter does not teach a spacer panel that is attached to opposing walls or wall units; therefore Kanter fails to teach every element of Applicant's invention. Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b).

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that the claims presented herewith are patentable over the prior art of record and in condition for allowance. Applicant respectfully solicits prompt action thereon. If any questions remain, the Examiner is invited to phone the undersigned attorney.